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C O N F I D E N T I A L ISLAMABAD 003318

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KABUL PLEASE PASS TO CFC-A

E.O. 12958: DECL: 02/23/2016

TAGS: MARR MOPS PREL KTIA PK

SUBJECT: AGREEMENT WITH PAKISTAN ON STATUS OF FORCES -  
PROPOSED FINAL TEXT

REF: A. STATE 9629

1B. 2005 ISLAMABAD 19203 AND PREVIOUS

Classified By: AMB:RCROCKER Reasons 1.4 (b) and (d)

11. (U) On February 23, the Government of Pakistan (GOP) transmitted its proposed final text for a Status of Forces Agreement, based on the U.S. text in ref A. The only change to the U.S. text is in para 10, where the U.S. draft stated that: "The mutually agreed duration of this agreement is 90 days, extendable by mutual written consent..." The Pakistani version reads: "The duration of this agreement will be valid until 15 April 2006, unless extended through mutual agreement by both the countries." (As currently planned, the last U.S. elements associated with the relief operation will depart Pakistan o/a April 15.) If the Department finds this change acceptable, please advise regarding language Embassy should use in "affirmative note in reply" referenced in Agreement.

12. (C) Begin text of Note No. USA-2/59/05 from the Ministry of Foreign Affairs, Islamabad:

The Ministry of Foreign Affairs of the Islamic Republic of Pakistan presents its compliments to the Embassy of the United States in Pakistan and, with reference to the Embassy's Note No. 2245 of 19 October 2005, has the honour to propose following agreement between the two governments regarding the status of United States personnel (defined as U.S. military personnel and civilian personnel of the United States Department of Defense) who are present in the Islamic Republic of Pakistan for providing earthquake relief assistance.

11. The Government of the Islamic Republic of Pakistan will have the overall direction, organization and coordination of the earthquake relief assistance operation, which the United States is supporting.

12. United States personnel will respect the laws of the Islamic Republic of Pakistan and the customs and traditions of its people, and will abstain from any activity inconsistent with the laws of the Islamic Republic of Pakistan and the customs and the traditions of its people, and the object and purposes of the present agreement.

13. The Government of the Islamic Republic of Pakistan will take all reasonable measures to ensure the safety and security of United States personnel and their property when present in the territory of the Islamic Republic of Pakistan.

14. The provisions of the Geneva Convention on Diplomatic Relations of April 18, 1961 regarding administrative and

technical staff assigned to the mission shall apply mutatis mutandis to United States personnel involved in the relief assistance operation.

15. The Government of the Islamic Republic of Pakistan and the Government of the United States of America shall waive any claims they may have against each other for injury, including injury resulting in death, suffered by their military and civilian personnel of their respective militaries and damage to or loss of property owned by them, caused unintentionally by the acts or omissions of the other or the military and civilian personnel of their respective militaries in the performance of official duties in connection with the relief assistance operation. Claims for damages or injury alleged to have been caused by the United States personnel to any third party shall be transmitted through the governmental Pakistani authorities to the designated U.S. representative.

16. United States personnel shall be permitted to enter, stay and exit the territory of the Islamic Republic of Pakistan with passports/U.S. government-issued identification cards and individual or collective movement orders, to be shown to the Pakistani authorities on arrival and on which basis special visas shall be issued to them at points of entry/exit for the duration of the relief assistance operation. Group movements outside the relief assistance zone designated by the Government of the Islamic Republic of Pakistan will be coordinated the relevant Pakistani authorities.

17. United States personnel will not generally carry any arms. However, with mutual consultation, Pakistani authorities will permit the carriage of personal small arms for security. The personal small arms shall be imported in sealed containers and stored on site in sealed containers.

18. The Government of the Islamic Republic of Pakistan shall exempt from registration, customs duties, and all taxes, directly or indirectly associated with the importation, utilization and exportation of all products, property, vehicles, material, goods, cargo, and equipment imported into or acquired in Pakistan by or for the US Government in connection with the relief assistance operation. All such items will be declared in writing at point of entry into Pakistan, and on exit from Pakistan.

19. Any issue that is not covered by the proposed Agreement will be considered constructively in the light of the cooperative efforts of the Republic of Pakistan and the United States of America in the relief assistance operation

and customary principles of international law related to international humanitarian relief.

110. The duration of this agreement will be valid until 15 April 2006, unless extended through mutual agreement by both the countries.

If the text set forth herein is acceptable to the Government of the United States of America, this Note and the Embassy's affirmative note in reply shall constitute an agreement between the two Governments which shall enter into force on the date of the Embassy's note.

The Ministry of Foreign Affairs takes this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

End Text

CROCKER